

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG, INC., *et al.*,

v.

EYE CARE CENTERS OF AMERICA INC.; *et al.*,

2:11-cv-00404-MHS-CMC

GEOTAG, INC.,

v.

CIRCLE K STORE, INC.; *et al.*

2:11-cv-00405-MHS-CMC

DEFENDANTS' NOTICE OF JOINDER

Without waiving any defense and specifically reserving all applicable defenses, the undersigned Defendants in Civil Actions 2:11-cv-404 (“the 404 Action”) and 2:11-cv-405 (“the 405 Action”) hereby file this Notice of Joinder in Defendants Coldwater Creek Inc., Draper’s & Damon’s, LLC, and J. Crew Group, Inc.’s (collectively, “Movants”) Motion to Dismiss for Misjoinder (405 Action, Dkt. No. 33). This Notice of Joinder hereby provides notice that the undersigned Defendants fully adopt the arguments presented in Movants’ Motion and associated Reply (405 Action, Dkt. No. 103).

On September 13, 2011, Plaintiffs GeoTag Inc. and GeoTag, Inc. (collectively, “GeoTag”) filed the 404 Action and the 405 Action against a single defendant each. The 404 Action named Eye Care Centers of America Inc. as the only defendant. The 405 Action named Circle K Store, Inc. as the only defendant. Three days after these actions were initially brought, the Leahy-Smith America Invents Act and its associated joinder provision were enacted and took

effect. Nearly two months later, GeoTag amended its complaint in both actions to add 41 new defendants to the 404 Action and 56 new defendants to the 405 Action.

For the reasons stated in Movants' Motion to Dismiss for Misjoinder and associated Reply, these 97 new defendants have been improperly joined to the 404 Action and the 405 Action. The undersigned Defendants respectfully request that they be dismissed from these actions leaving GeoTag free to pursue its original claims against Eye Care Centers of America Inc. and Circle K Store, Inc.

Dated: February 28, 2012

Respectfully submitted,

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The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 28, 2012, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

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